

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Pacific Gas and Electric Company Annual Earnings Assessment Proceeding (AEAP) for Approval of Energy Efficiency Shareholder Incentives for 2000 Program Year Accomplishments, 2000 Accomplishments for Pre-1998 Programs, Second Claim for Incentives for the 1999 Accomplishments for Pre-1998 Programs, and Year Accomplishments.

Application 01-05-003

And Related Matters.

**Application 01-05-009
Application 01-05-017
Application 01-05-018
Application 00-05-002
Application 00-05-003
Application 00-05-004
Application 00-05-005**

ADMINISTRATIVE LAW JUDGE'S RULING REGARDING WOMEN'S ENERGY MATTERS' NOTICE OF INTENT TO CLAIM COMPENSATION

This ruling responds to a notice of intent (NOI) to claim compensation filed by Women's Energy Matters (WEM) on July 11, 2001 and a Motion for Acceptance of Late-Filed NOI filed on July 26, 2001. No party filed a response. This ruling addresses the requirements of the Public Utilities Code, Division 1, Part 1, Chapter 9, Article 5, Sections 1801 – 1804 and our rules for the Intervenor Compensation Program set forth in Decision (D.) 98-04-059. ¹

I first address the July 26 motion. WEM states that the filing deadline for its NOI was July 9, 2001, within 30 days after the June 8, 2001 prehearing

¹ All statutory references are to the Public Utilities Code.

conference (PHC), and therefore its filing was two days late. WEM requests acceptance of its late-filed NOI because it is a first time intervenor and was not clear on some details of our process. After review of the motion and our intervenor compensation statutes, I do not find the July 26 motion necessary. The filing requirement set forth in Section 1804(a)(1) does not specify that the NOI be submitted after the first PHC. In this proceeding, a second PHC is anticipated in October, as set forth in the procedural schedule adopted in the July 23, 2001 scoping memo. Therefore, WEM's July 11 NOI filing is timely. This finding is consistent with Section 1801.3(b) which states the Legislature's intent that the intervenor compensation statutes be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.

Section 1804(a)(2) sets forth those items that must be addressed in an NOI. Pursuant to D. 98-04-059, this ruling must determine whether the intervenor is a customer, as defined in Section 1802(b) and identify whether the intervenor is a participant representing consumers, a representative authorized by a customer, or a representative of a group or organization that is authorized by its bylaws or articles of incorporation to represent the interests of residential ratepayers. Once the applicable definition of customer is identified, the correct standard of "significant financial hardship" can be applied.

WEM's NOI is filed under the customer eligibility definition of a representative of a group or organization. At the request of the undersigned administrative law judge, WEM submitted its complete articles of incorporation and bylaws on August 17, 2001. The articles of incorporation state the corporation is organized exclusively for educational purposes within the

meaning of Section 501(c)(3) of the Internal Revenue Code and nowhere within the articles or bylaws is a statement that the organization is authorized to represent the interests of residential ratepayers. Based on these facts, I find WEM does not qualify as a customer under the definition set forth in Section 1802(b).

The denial of this NOI does not preclude a later NOI filing under a different definition of customer eligibility. WEM's executive director, Barbara George, should consult with the Commission's Public Advisor Rob Feraru for complete information on our intervenor compensation process, with special focus on the standard for eligibility under other customer categories, the appropriate standard for establishing significant financial hardship, and the criteria that will be necessary after a NOI is approved to demonstrate a substantial contribution and receive an award of compensation.

Therefore, **IT IS RULED**, that the July 11, 2001 Notice of Intent to Claim Compensation of Women's Energy Matters is denied without prejudice for failure to meet the standard for eligibility as a customer as set forth in California Public Utilities Code Section 1802(b).

Dated August 27, 2001, at San Francisco, California.

/s/ CHRISTINE M. WALWYN
Christine M. Walwyn
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Women's Energy Matters' Notice of Intent to Claim Compensation on all parties of record in this proceeding or their attorneys of record.

Dated August 27, 2001, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.